

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-007866-001 DT

09/26/2012

HONORABLE JO LYNN GENTRY-LEWIS

CLERK OF THE COURT

I. Huerta

Deputy

STATE OF ARIZONA

THEODORE CAMPAGNOLO

v.

NAZRETH DERBOGHOSSIAN (001)

DOB: 08/05/1959

JEFFREY A SWIERSKI

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

FINANCIAL SERVICES-CCC

RFR

VICTIM WITNESS DIV-AG-CCC

SUSPENSION OF SENTENCE - PROBATION GRANTED

10:12 a.m.

State's Attorney: Above named counsel

Defendant's Attorney: Above named counsel

Defendant: Present

Court Reporter: Linda Lopez

Nancy Perry, Katie Peters, Jodi Upton and Pastor Stacy Lee address the Court.

Count(s) 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

Count(s) 4: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

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Count(s) 69: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 2 Fraudulent Schemes and Artifices

Class 2 Felony

A.R.S. § 13-2301, 2310, 301, 302, 303, 304, 305, 306, 604, 701, 702, 702.01, 703, 708, 801, 811

Date of Offense: on or between 09/01/2000 and 12/31/2008

Non Dangerous - Non Repetitive

OFFENSE: Count 4 Illegal Control of an Enterprise

Class 3 Felony

A.R.S. § 13-2312, 2301, 2308, 2317, 2310, 2002, 1802, 1804, 301, 302, 303, 304, 305, 306, 604, 701, 702, 702.01, 703, 708, 801, 811

Date of Offense: on or between 09/01/2000 and 12/31/2008

Non Dangerous - Non Repetitive

OFFENSE: Count 69 Forgery

Class 4 Felony

A.R.S. § 13-2001, 2002, 301, 302, 303, 304, 305, 306, 604, 701, 702, 702.01, 703, 708, 801, 811

Date of Offense: on or about 04/24/2007

Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 2 Probation Term: 3 years

To begin 09/26/2012.

IT IS ORDERED that probation in this Count shall run concurrent with probation in Counts 4 and 69 in this cause number.

Count 4 Probation Term: 3 years

To begin 09/26/2012.

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IT IS ORDERED that probation in this Count shall run concurrent with probation in Counts 2 and 69 in this cause number.

Count 69 Probation Term: 3 years

To begin 09/26/2012.

IT IS ORDERED that probation in this Count shall run concurrent with probation in Counts 2 and 4 in this cause number.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

RESTITUTION: Count 2 - \$1,430,428.22 payable \$250.00 per month, beginning (to be determined), to the following persons:

Carol Boyce	(Individual)	\$130,000.00
Bassam Nahas	(Individual)	\$120,000.00
N Ferentello	(Individual)	\$245,000.00
Ron Jagolta	(Individual)	\$33,000.00
Eric Edenholm	(Individual)	\$250,000.00
First International Bank & Trust, Attn: Dale Wilkins	(Business)	\$552,428.22
Airpark Motors Auto Network, Attn: Joe Seaverns	(Business)	\$100,000.00

Restitution ledger provided; priority of payment as stated in the restitution ledger.

PROBATION SERVICE FEE: Count 2 - \$65.00 per month, beginning (to be determined).

PROBATION SURCHARGE: Count 2 - \$20.00 payable on (to be determined).

Count 2: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on (to be determined).

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WARRANT CHARGE: Count 2 - \$45.00, payable \$(to be determined) per month, beginning (to be determined).

All amounts payable through the Clerk of the Superior Court.

The Court retains jurisdiction for any future restitution hearings.

Additional Monetary Information: COSTS OF INVESTIGATION: Count 2 - \$20,000.00, payable \$100.00 per month, beginning (to be determined).

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 18 - Count 2: Be incarcerated in the county jail for 12 month(s), beginning 09/26/2012 with credit for (to be determined) day(s) served.

Not to be released until 09/26/2013.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

The Court being uncertain as to how many days of presentence incarceration the defendant is entitled to, defense counsel may file the appropriate motion with the Court once said number is obtained for the Court's consideration.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

White Collar

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

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IT IS ORDERED granting the Motion to Dismiss the following: Counts 1, 3, 5 through 68 and 70 through 102; the allegation of A.R.S. § 13-703(A), the allegation of value of benefit in excess of \$100,000.00 pursuant to A.R.S. § 13-2310 and the State shall not bring charges against the defendant arising out of the allegations by Airpark Motors of Scottsdale regarding the 2002 Lamborghini.

Count(s) 2: IT IS ORDERED remanding Defendant to the custody of the Maricopa County Sheriff.

IT IS ORDERED exonerating any bond previously posted in this matter to the party posting same.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

The presentence investigation report is filed under this cause.

11:02 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JO LYNN GENTRY-LEWIS
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)